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Attorneys for Plaintiff

8 WASTE MANAGEMENT OF ALAMEDA COUNTY, INC.

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 WASTE MANAGEMENT OF ALAMEDA  
COUNTY, INC.,

13 Plaintiff,

14 v.

15 WAREHOUSE UNION LOCAL NO. 6,  
16 INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION,

17 Defendant.  
18

Case No. CV 07 3675 WHA

**DECLARATION OF MICHAEL G.  
PEDHIRNEY IN SUPPORT OF  
STIPULATED REQUEST FOR AN  
ORDER CONTINUING PRE-TRIAL  
EVENTS**

Judge: The Honorable William H.  
Alsup

19  
20 I, Michael G. Pedhirney, hereby declare and state:

21 1. I am an associate with the law firm of Littler Mendelson, a Professional  
22 Corporation, and I am licensed to practice in the State of California. I am one of the attorneys of  
23 record for Plaintiff Waste Management of Alameda County, Inc. (hereinafter referred to as  
24 "WMAC" or "the Company") in this action. I have personal knowledge of the matters set forth  
25 herein, except for those matters stated upon information and belief. If called as a witness, I could  
26 competently testify to the following.  
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2. Under the Court's current schedule, the parties' non-expert discovery cut-off and the last date for designation of expert testimony and disclosure of full expert reports under FRCP 26(a)(2) as to any issue on which a party has the burden of proof is August 22, 2008. A true and correct copy of the Court's order setting forth the current schedule regarding this case is attached as Exhibit A.

3. The parties in this dispute agreed that WMAC would take the depositions of key witnesses Efren Alarcon, Fred Pecker, and Victor Pamiroyan on July 28, July 29, and August 4, respectively. Defendant Warehouse Union Local No. 6, International Longshore and Warehouse Union ("Local 6") has attempted to schedule depositions of five Company witnesses in August before the current discovery cut-off.

4. I was hospitalized the week of July 13, 2008 with a viral infection. Due to my illness, I was off work from July 13 until July 23. During much of that time, I was unable to eat solid food or drink fluids and I suffered from fatigue and vomiting. Because of my illness, I was unable to prepare for the depositions of Mr. Alarcon, Mr. Pecker, and Mr. Pamiroyan.

5. On or about July 14, 2008, in-house counsel Elizabeth Bohannon assumed responsibility managing this dispute on behalf of WMAC. Ms. Bohannon had not been involved in this case earlier because another attorney, Barbara Russell, had been managing the case for WMAC. Ms. Russell resigned from her employment on or about July 12, and thus, Ms. Bohannon assumed responsibility of this case. Ms. Bohannon's involvement in this case is necessary for WMAC to prepare for trial.

6. During the week of July 21, 2008, Ms. Bohannon underwent heart surgery at a hospital on the east coast. Ms. Bohannon is now recovering from her surgery on the east coast and is not expected to return to work until the week of August 11, 2008.

7. On July 24, 2008, I notified Mr. Absalom that the depositions of Mr. Alarcon, Mr. Pecker, and Mr. Pamiroyan needed to be continued until either the week of August 11 or August 18 in light of Ms. Bohannon's absence and my illness. Mr. Absalom has informed me that Local 6 is amenable to a thirty-day continuance of the non-expert discovery cut-off and the last date for designation of expert testimony and disclosure of full expert reports under FRCP 26(a)(2) as to any

1 issue on which a party has the burden of proof.

2           8. Both WMAC and Local 6 need to complete several depositions in order to  
3 prepare for trial. WMAC has notified Local 6 of its need to complete the depositions of at least three  
4 Local 6 witnesses. Local 6's attorney, Kenneth Absalom, has informed me that Local 6 may take the  
5 depositions of at least eight WMAC witnesses. However, because of Ms. Bohannon's absence and  
6 my illness (which caused my absence from work from July 13 until July 23), it will not be possible  
7 for the parties to complete all of these depositions prior to the August 22, 2008 discovery cut-off.

8           9. In light of the fact that the parties have not been able to complete all of the  
9 discovery necessary to proceed in litigating this case, it is essential that the non-expert discovery cut-  
10 off and the last date for designation of expert testimony and disclosure of full expert reports under  
11 FRCP 26(a)(2) as to any issue on which a party has the burden of proof be continued a minimum of  
12 thirty days. To that end, the parties propose the following continuances:

13           a. The non-expert discovery cut-off be continued from August 22, 2008  
14 to September 22, 2008.

15           b. The last date for designation of expert testimony and disclosure of full  
16 expert reports under FRCP 26(a)(2) as to any issue on which a party has the burden of proof be  
17 continued from August 22, 2008 to September 22, 2008.

18           10. The proposed continuance would not affect the current schedule regarding the  
19 last day for filing dispositive motions, the pre-trial conference, or the jury trial in this matter.

20           11. At the outset of this case, the Court granted the parties a ten-day extension of  
21 time to submit their respective initial disclosures. On May 27, 2008, pursuant to the stipulation of  
22 the parties, the Court ordered that:

23           a. The non-expert discovery cut-off be continued from June 20, 2008 to August  
24 22, 2008.

25           b. The last date for designation of expert testimony and disclosure of full expert  
26 reports under FRCP 26(a)(2) as to any issue on which a party has the burden of proof be continued  
27 from June 20, 2008 to August 22, 2008.

1 c. The last day for filing dispositive motions be continued from August 7, 2008  
2 to October 8, 2008.


3 d. The final pre-trial conference be continued from October 13, 2008 to January  
4 26, 2009, or as soon thereafter as this matter may be heard.

5 e. The jury trial be continued from October 27, 2008 to February 9, 2009, or as  
6 soon thereafter as this matter may be heard.

7 12. The Court has not since changed or modified any of the due dates or time  
8 frames set forth in the Court's May 27, 2008 Scheduling Order.

9 I declare under penalty of perjury under the laws of the United States and the State of  
10 California that the foregoing is true and correct.

11 Executed this 30th day of July 2008 in San Francisco, California.

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14 MICHAEL G. PEDHIRNEY

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# **EXHIBIT A**

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14 WAREHOUSE UNION LOCAL NO. 6, INTERNATIONAL  
LONGSHORE AND WAREHOUSE UNION

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION  
18

19 WASTE MANAGEMENT OF ALAMEDA  
20 COUNTY, INC.,

21 Plaintiff,

22 v.

23 WAREHOUSE UNION LOCAL NO. 6,  
INTERNATIONAL LONGSHORE AND  
24 WAREHOUSE UNION,

25 Defendant.  
26  
27  
28

Case No. CV 07 3675 WHA

**STIPULATED REQUEST FOR AN  
ORDER CONTINUING TRIAL AND  
PRE-TRIAL EVENTS AND  
~~PROPOSED~~ ORDER CONTINUING  
TRIAL AND PRE-TRIAL EVENTS**

Judge: The Honorable William H.  
Alsup

1 Pursuant to Rules 6-1(b) and 6-2 of the Court's local rules, the parties hereby request  
2 through their respective counsel of record that the following events be continued to the proposed  
3 dates:

4 1. The non-expert discovery cut-off be continued from June 20, 2008 to August  
5 22, 2008.

6 2. The last date for designation of expert testimony and disclosure of full expert  
7 reports under FRCP 26(a)(2) as to any issue on which a party has the burden of proof be continued  
8 from June 20, 2008 to August 22, 2008.


9 3. The last day for filing dispositive motions be continued from August 7, 2008  
10 to October 8, 2008.

11 4. The final pre-trial conference be continued from October 13, 2008 to January  
12 26, 2009, or as soon thereafter as this matter may be heard.

13 5. The jury trial be continued from October 27, 2008 to February 9, 2009, or as  
14 soon thereafter as this matter may be heard.

15 **IT IS STIPULATED.**

16  
17 Dated: May 19, 2008

18   
19 ROBERT G. HULTENG  
20 MICHAEL G. PEDHIRNEY  
21 JANELLE MILODRAGOVICH  
22 LITTLER MENDELSON  
23 A Professional Corporation

24 Attorneys for Plaintiff  
25 WASTE MANAGEMENT OF ALAMEDA  
26 COUNTY, INC.

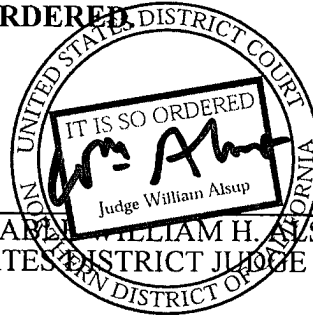
27 Dated: May 19, 2008

28 /S/  
KENNETH C. ABSALOM  
LAW OFFICES OF NEVIN & ABSALOM

Attorneys for Defendant  
WAREHOUSE UNION LOCAL NO. 6,  
INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: May 27, 2008



THE HONORABLE WILLIAM H. ALSUP  
UNITED STATES DISTRICT JUDGE

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